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**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of SAN DIEGO GAS &  
ELECTRIC COMPANY (U902E) for  
Approval of SB 350 Transportation  
Electrification Proposals.

Application 17-01-020  
(Filed January 20, 2017)

Application of Southern California  
Edison Company (U 338-E) for Approval  
of its 2017 Transportation Electrification  
Proposals.

Application 17-01-021  
(Filed January 20, 2017)

In the Matter of the Application of Pacific  
Gas and Electric Company for Approval  
of its Senate Bill 350 Transportation  
Electrification Program.

Application 17-01-022  
(Filed January 20, 2017)

**SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER AND  
ADMINISTRATIVE LAW JUDGES**

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## **SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER AND ADMINISTRATIVE LAW JUDGES**

### **Summary**

This Scoping Memo and Ruling sets forth the category, issues, need for hearing, schedule, and other matters necessary to scope this proceeding pursuant to Public Utilities Code § 1701.1 and Rule 7.3 of the Commission's Rules of Practice and Procedure.<sup>1</sup>

### **1. Background**

#### **1.1. Filing of Applications**

In response to Senate Bill (SB) 350 (Statutes of 2015, Chapter 547) and the September 14, 2016 Assigned Commissioner Ruling (ACR) in Rulemaking (R.) 13-11-007,<sup>2</sup> each of the three large investor owned utilities (San Diego Gas & Electric Company (SDG&E); Southern California Edison Company (SCE); and Pacific Gas and Electric Company (PG&E)) filed separate applications (Application (A.) 17-01-020, A.17-01-021, and A.17-01-022, respectively) on January 20, 2017, requesting authorization and approval to carry out various proposed transportation electrification (TE) projects.<sup>3</sup> The filings of these three applications were noticed in the Commission's Daily Calendar on January 27, 2017.

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<sup>1</sup> California Code of Regulations, Title 20, Division 1, Chapter 1; hereinafter, Rule or Rules.

<sup>2</sup> The actions taken in the ACR were confirmed and ratified by the Commission in D.16-11-005.

<sup>3</sup> Unless otherwise stated, all code section references are to the Public Utilities Code. Section 237.5 defines "Transportation Electrification" (TE) as "the use of electricity from external sources of electrical power, including the electrical grid, for all or part of vehicles, vessels, trains, boats, or other equipment that are mobile sources of air pollution and greenhouse gases

*Footnote continued on next page*

All three utilities, as reflected in their respective “proof of compliance” with Rule 3.2, served and published notices and bill inserts informing city and county governments, and their customers, of their TE proposals contained in their applications. Several newspapers throughout the state published articles about the proposed TE projects. The Commission’s Public Advisor’s Office also conducted outreach to community based organizations about the utilities’ TE applications. (See § 1711(a).)

As a result of these notices, bill inserts, news articles, and outreach, a number of e-mails and correspondence were received in all three applications by the Commission. Generally speaking, these e-mails and correspondence either support the proposed TE projects due to the environmental and health benefits and furtherance of the state’s climate goals, or oppose the TE projects due to the cost impact on ratepayers.

On February 7, 2017, a ruling was issued noticing a prehearing conference (PHC) in all three applications for March 16, 2017.

Various parties filed protests and responses to the three applications, and each of the electric utilities filed replies to the protests and responses.

On March 14, 2017, the assigned Administrative Law Judges (ALJs) served a PHC Agenda, with attachments, and provided a call-in number to allow parties to participate at the PHC by telephone. The Agenda provided parties with a list of items to discuss at the PHC.

The PHC for all three applications was held on March 16, 2017. The PHC was held to discuss the issues listed on the Agenda, including who should be

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and the related programs and charging and propulsion infrastructure investments to enable and encourage this use of electricity.”

allowed to become parties, the scope of issues to resolve in the applications, the procedural schedules, and other matters.<sup>4</sup>

## **1.2. Consolidation of Applications**

One of the first items of discussion at the PHC was whether the three TE applications should be consolidated. All three applications have sparked interest among a diverse group of intervening parties.

Arguments against consolidation mentioned that some of the parties might be interested in only one of the three applications of the utilities, or with a particular utility proposal. In addition, many parties voiced concern that although the applications shared some common issues, the proposed TE projects are unique to each utility's service territory.

Arguments in support of consolidation touched on the administrative ease of having one service list, and that there are common questions of law, fact, and policy in all three applications.

Although parties had differing views on the issue of consolidation, the parties overwhelmingly expressed support for a proceeding framework that provides the most efficient means to process these three applications.

After much review and consideration, we have determined to consolidate these applications. It is reasonable to consolidate the three applications into one proceeding given related questions of law, fact, and policy that are pending in all three applications. (*See* Rule 7.4.) Consolidation will provide a more streamlined administrative approach for both the parties and the Commission's Docket and Process Offices. In addition, consolidation will promote a comprehensive

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<sup>4</sup> A copy of the Agenda and the related attachments was appended to the PHC transcript.

schedule that will enable efficient processing of both the priority review and standard review projects.<sup>5</sup>

## **2. Scope**

The ACR in R.13-11-007 set forth detailed guidance on what the TE applications should contain. Specifically, Appendix A to the ACR outlined how SDG&E, SCE, and PG&E should develop their TE applications. In particular, the utilities were directed to propose priority review projects (PRPs) and standard review projects (SRPs). As described in the ACR, PRPs are those considered to be non-controversial, short term (*e.g.* 1 year) investments, limited to no more than \$4 million in costs per project, and with a total funding limit of \$20 million for each utility. SRPs are those programs that do not meet the criteria for priority review projects, *i.e.*, projects lasting from two to five years, or larger project costs.

### **2.1. Priority Review Projects**

Appendix A to the September 14, 2016 ACR stated that PRPs should target non-infrastructure as well as infrastructure pilots and programs. The ACR also stated that the proposals should experiment in diverse market segments to inform the eventual design of scaled programs that will be crucial to address substantial reductions in criteria air and greenhouse gas (GHG) pollutants from the on-road light, medium and heavy duty, off-road, maritime, aviation, and rail sectors in the near term. PRPs could help expedite the authorization of certain non-controversial projects and investments to accelerate the adoption of TE and meet the goals of SB 350.<sup>6</sup>

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<sup>5</sup> See Section 12.

<sup>6</sup> ACR at 31.

### **2.1.1. Non-Controversial Projects**

One of the primary goals in directing the IOUs to include PRPs in their applications was to provide an expedited track to review projects and investments deemed non-controversial in order to accelerate widespread TE.<sup>7</sup> Although the ACR did not define “non-controversial,” the ACR did leave room for the Commission to establish specific criteria for PRPs and investments.<sup>8</sup>

At the PHC, several parties weighed in on the issue of what should be considered non-controversial or controversial, and how such a designation should impact the processing of PRPs. Some parties contend that if a party contests a PRP, that the project should be considered controversial and should not be subject to a quick review process. Other parties contend that all of the proposed PRPs should be subject to a quick review process because of: the limited dollar amounts for each of the PRPs; the need to accelerate widespread TE deployment; and the total program length of the PRPs versus the associated costs to the Commission and the parties of reviewing the PRPs over a long period of time.

In deciding whether a controversial PRP should be subject to a lengthier review process, we turn to the various code sections added by SB 350 for guidance. In § 400, it states “the commission and the Energy Commission shall do all of the following in furtherance of meeting the state’s clean energy and pollution reduction objectives.” Among the items the Commission “shall do” is to “(b) Take into account the opportunities to decrease costs and increase benefits, including pollution reduction and grid integration, using renewable and

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<sup>7</sup> ACR at 31.

<sup>8</sup> ACR at 32.

nonrenewable technologies with zero or lowest feasible emissions of greenhouse gases, criteria pollutants, and toxic air contaminants onsite in proceedings associated with meeting the objectives.”

In addition, § 400(d) directs the Commission to “Review technology incentive, research, development, deployment and market facilitation programs overseen by the commission and the Energy Commission and make recommendations to advance state clean energy and pollution reduction objectives and provide benefits to disadvantaged communities....”

In § 740.12(a)(1), the Legislature found and declared the following: (A) that clean vehicles and fuels are needed to reduce petroleum use, to meet air quality standards, improve public health, and to achieve GHG reduction goals; (B) widespread TE is needed to achieve the goals of the Charge Ahead California Initiative;<sup>9</sup> (C) widespread TE requires increased access for disadvantaged communities, low and moderate income communities, and other consumers, in order to enhance air quality, reduce GHG, and promote overall benefits to those communities and other consumers; (D) reducing GHG emissions to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050 will require widespread TE; (E) widespread TE requires electric utilities to increase access to electricity as a transportation fuel; (G) deployment of EVs should assist in grid management and integrating renewable generation; and (H) deploying EV charging infrastructure should facilitate increased sales of EVs, it is the state’s policy and the intent of the Legislature to encourage TE as a means to achieve air quality standards and climate goals, and that the Commission and other state

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<sup>9</sup> The Charge Ahead California Initiative is set forth in Chapter 8.5 of Part 5 of Division 26 of the Health and Safety Code.



agencies who are implementing regulations and funding programs to reduce GHG emissions shall take the findings described in § 740.12(a)(1) into account.

In addition, § 740.12(b) states as follows:

The commission, in consultation with the State Air Resources Board and the Energy Commission, shall direct electrical corporations to file applications for programs and investments to accelerate widespread transportation electrification to reduce dependence on petroleum, meet air quality standards, achieve the goals set forth in the Charge Ahead California Initiative ..., and reduce emissions of greenhouse gases to 40 % below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050. Programs proposed by electrical corporations shall seek to minimize overall costs and maximize overall benefits. The commission shall approve, or modify and approve, programs and investments in transportation electrification, including those that deploy charging infrastructure, via a reasonable cost recovery mechanism, if they are consistent with this section, do not unfairly compete with nonutility enterprises as required under Section 740.3, include performance accountability measures, and are in the interests of ratepayers as defined in Section 740.8. (Emphasis added.)

Based on the above code citations, it is apparent that what is considered controversial should be weighed along with the Legislature's findings, and what the Legislature has directed the Commission and other state agencies to do. Although parties have protested and responded to the utilities' PRPs, these proposals may provide the opportunity to deploy TE initiatives over a short period of time using a limited amount of monies, while reducing emissions and GHGs. These proposed PRPs, which are limited in time and funding, may also support the research and development projects contemplated in § 400(d) and the ACR. One of the objectives of having PRPs is to understand whether the utilities' proposals are cost effective, and whether they can be expanded in the future to

develop the TE market, to advance the use of renewables through grid integration, improve air quality, reduce GHG, and being of benefit to disadvantaged, and low and moderate income communities.

Due to the limited funding and time horizon of the PRPs, these proposals may also accelerate widespread TE to meet the above listed goals. In addition, the PRPs may “minimize overall costs and maximize overall benefits,” while accelerating widespread TE, by implementing these proposals quickly.

In weighing all of these Legislative considerations, together with the direction in § 740.12(b), we adopt an expedited schedule for review of all PRPs. There will be an opportunity for parties to raise their concerns over the perceived controversial aspects of the PRPs as described later in this ruling. The Commission is not simply approving the proposed PRPs as is. Instead, the Commission needs to issue a decision that approves, or modifies and approves, the TE programs and investments. In doing so, the Commission must establish a reasonable cost recovery mechanism, and find that the PRP is consistent with § 740.12; does not unfairly compete with nonutility enterprises; includes performance accountability measures; and is in the interests of ratepayers.

#### **2.1.2. Scope of Issues for Proposed Priority Review Projects**

In order to accelerate widespread TE, PRPs are projects which can be implemented quickly, while minimizing costs and maximizing overall benefits. With this in mind, and based on the ACR framework, Legislative direction, the utilities’ applications, parties’ protests and responses, and the discussion at the PHC, the following issues are within the scope of the PRPs for this proceeding:

1. Do the proposed priority review projects meet the SB 350 requirements for TE? (See §§ 740.12, 740.3, and 740.8;

- Health and Safety Code § 44258 and following; ACR at 25-26):
- a. Does the project, including utility ownership of electric vehicle service equipment, adversely impact competition?
  - b. Does the project target disadvantaged communities (including what definition of a disadvantaged community should be used)?
  - c. Is the project an appropriate use of ratepayer funds?
  - d. Does the project leverage funding by other sources?
  - e. Does the project equitably benefit ratepayers?
  - f. Is the project scalable?
  - g. Does the project support widespread TE and align with California's zero emission vehicles initiatives?
2. Is there a need to amend the priority review projects, and what should be the process to accomplish that?
    - a. Address the data gaps noticed by Energy Division.
    - b. Explain the overhead costs included in the overall project costs.
    - c. Further explain the project benefits.
    - d. Explain how disadvantaged communities and low and moderate income communities will benefit.
    - e. Describe any other available program monies that have been leveraged.
    - f. Quantify emission reductions from projects.
  3. Do the priority review projects meet the criteria set forth in the ACR?
  4. Do the priority review projects address safety concerns set forth in §§ 740.8(a) and 740.12(b)?
  5. Have the priority review projects addressed the rate design issues raised by various parties? (e.g., demand charges, mandatory vs. optional participation.)

6. What specific ratepayer benefits will result from the proposals (*See* § 740.8)
7. Are the proposed priority review projects reasonable and in the ratepayers' interests? (*See* §§ 740.3 and 740.8)
8. What kind of data gathering, reporting, and evaluation requirements should be imposed?
9. What kind of cost recovery mechanisms (e.g., balancing account) should be adopted for these priority review proposals?
10. Do the proposed priority review projects adequately address low-income communities and moderate-income communities?<sup>10</sup> (*See* SB 350 and SB 1275 Charge Ahead California)

### **2.1.3. Procedural Schedule for Priority Review Projects**

In order to accelerate widespread TE so that the state can move toward meeting the goals of SB 350, the review of the proposed PRPs is to be completed on a different schedule than the proposed SRPs. Due to the experimental, relatively low-cost, and supposed non-controversial nature of the proposed PRPs, together with the limited time, scope, and funding of the PRPs, the Commission has an interest in seeing these projects resolved and implemented as quickly as possible. To fulfill the Legislative direction behind SB 350, and to approve and implement PRPs as soon as possible consistent with SB 350, while providing due process, a workshop and briefing process will be established for the proposed PRPs, followed by one or more decisions on the utilities' proposed PRPs.

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<sup>10</sup> PHC Transcript at 103 to 104.

A workshop on all three proposed PRPs of the utilities will take place on Wednesday, May 17, 2017, from 9:00 a.m. to 4:30 p.m., at the Commission's auditorium in San Francisco.<sup>11</sup> (Telephone call in number: 866-811-6884; Participant passcode number: 8742156.) Following the workshop, the Commission's Energy Division will develop a common briefing outline for the PRPs. This will be followed by the filing of concurrent opening briefs, which are to be filed and served on or before June 16, 2017, and then concurrent reply briefs, which are to be filed and served on or before July 10, 2017. The concurrent opening and reply briefs shall follow the structure of the common briefing outline.

Following the filing of the reply briefs, one or more proposed decisions will be drafted on the proposed PRPs of the three utilities. In accordance with Rule 14.3, parties may file comments on the proposed decision, and replies to comments on the proposed decision. We anticipate that a Commission decision on the PRPs will be voted on or about October 26, 2017.

The procedural timetable for the PRPs is set forth below in section 2.3.

## **2.2. Proposed Standard Review Projects**

Appendix A to the September 14, 2016 ACR specifies that the proposed SRPs are those programs that do not meet the criteria of PRPs (e.g. 2-5 years or greater than \$4 million in budget).

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<sup>11</sup> A notice of the workshop will also be posted on the Commission's Daily Calendar to inform the public that a decision maker or an advisor to the Commissioner may be present at the workshop. Parties should check the Daily Calendar regularly for such workshop notices.

### **2.2.1. Scope of Issues for Proposed Standard Review Projects**

Based on the ACR framework, Legislative direction, the utilities' applications, parties' protests and responses, and the discussion at the PHC, the following issues are within the scope of the SRPs for this proceeding:

1. Are the proposed standard review projects reasonable and in the ratepayers' interests? (*See* §§ 740.3 and 740.8.) This includes review of whether and how the utilities have:
  - a. Complied with the statutory standard of review established by SB 350;
  - b. Identified specific ratepayer benefits resulting from the proposals? (*See* § 740.8);
  - c. Identified that ratepayers benefits by customer class are commensurate with the costs they will bear from the proposals;
  - d. Facilitated access by disadvantaged communities to transportation electrification infrastructure through their program design;
  - e. Allowed participation by customers of Community Choice Aggregators and Energy Service Providers in the proposals;
  - f. Designed programs that support statewide electrification;
  - g. Quantified the expected GHG emissions reductions from the proposals;
  - h. Explained how the scale of proposed programs relates to utility GHG emissions reduction target for their territory;
  - i. Designed programs in a manner that will not negatively affect competition;
  - j. Designed the programs in a manner that leverages non-ratepayer funding sources;

- k. Ensured that stranded infrastructure costs will be - minimized;
  - l. Addressed the safety concerns set forth in §§ 740.8(a) and 740.12(b);
  - m. Ensured the programs reduce emissions and comply with state and federal health regulations;
  - n. Supported grid integration of electric vehicles by proposing appropriate rate designs;
  - o. Integrated appropriate marketing, education, and outreach into the programs;
  - p. Addressed disadvantaged and low-income communities and moderate-income communities.<sup>12</sup> (See SB 350 and SB 1275 Charge Ahead California Initiative.)
2. Should the proposed revenue requirement, cost recovery (including balancing account proposal) standard of review, and rate designs associated with the standard review programs be approved?

### **2.2.2. Procedural Schedule for Standard Review Projects**

Based on the various protests and responses that have been filed in connection with the three applications, as well as the discussion of the procedural schedule for these applications at the March 16, 2017 PHC, the scope of issues set forth in these proceedings, together with the much longer program duration and much larger funding requests, raises issues of fact that may require evidentiary hearings over a longer time period than for the processing of the PRPs.

The various scheduling proposals of the three utilities and the other parties were discussed at the PHC. In addition, several parties raised concerns over the

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<sup>12</sup> PHC Transcript at 103 to 104.

need to review both the PRPs and the SRPs, and the limited resources of the Commission and the parties. All of these scheduling concerns have been considered and weighed.

A workshop will be held on Tuesday, July 11, 2017, beginning at 9 am, in the Commission's Auditorium to consider the issues with regard to the SRPs.<sup>13</sup> Following the workshop, the testimony of the intervenors will be served in a phased manner by common subject areas, followed by the service of concurrent rebuttal testimony by all parties.<sup>14</sup> The intervenors' opening testimony will first be served regarding fast charging infrastructure and rates, followed by medium/heavy duty and fleet charging infrastructure and commercial EV rates, with the final opening testimony addressing residential charging infrastructure and rates.

The intervenors' opening testimony on fast charging infrastructure and rates shall be served on the service list on or before July 25, 2017. The intervenors' opening testimony on medium/heavy duty and fleet charging infrastructure and commercial EV rates shall be served on or before August 1, 2017. The intervenors' opening testimony on residential charging infrastructure and rates shall be served on or before August 7, 2017.

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<sup>13</sup> Separate workshops related to different aspects of TE are being hosted by the Energy Commission (CEC) and the California Air Resources Board (CARB). The CARB is hosting a workshop on April 25, 2017 on strategies to expand advanced clean technologies to last-mile delivery and local truck applications. The CEC is hosting a workshop on April 18, 2017 on Integrated Resource Plans for the Light-Duty Vehicle Sector, and a workshop on April 27, 2017 on Integrated Resource Plans for Non-Light-Duty Vehicle Sectors.

<sup>14</sup> Testimony is to be served on the service list, and is not filed with the Commission's Docket Office. In order to have an electronic copy of the parties' testimony in these proceedings, the parties shall submit their testimony electronically through the Commission's electronic filing system. The instructions for doing so are described in Appendix A of this ruling.



The concurrent rebuttal testimony of all parties shall be served on or before September 5, 2017.

The evidentiary hearings will be held at the Commission's Hearing Room in San Francisco beginning on September 25, 2017 at 10 a.m. and as needed, each weekday thereafter through October 13, 2017 (with the exception of October 5, 2017).<sup>15</sup>

In accordance with the above, the dates for the above procedural schedule are reflected in the procedural schedule shown in section 2.3 of this ruling.

### **2.3. Combined Procedural Schedule**

The following is the procedural schedule that is to be followed in the processing of the three consolidated applications, and the PRPs and SRPs proposed by the utilities. The assigned Commissioner or ALJs may modify this schedule as necessary to promote the efficient management and fair resolution of this proceeding.

<b>Event</b>	<b>Date</b>
PHC held.	March 16, 2017
Scoping Memo and Ruling issued.	April 13, 2017
Workshop on vehicle-grid integration communications protocol working group.	April 24, 2017
Workshop on PRPs for all three applications.	May 17, 2017
Common briefing outline for PRPs issues.	May 24, 2017

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<sup>15</sup> The start time of subsequent evidentiary hearing dates will be decided on the first day of the evidentiary hearings. In general, the start times for subsequent evidentiary hearing dates start at 9:00 a.m., except for Mondays.

<b>Event</b>	<b>Date</b>
Concurrent opening briefs due on PRPs.	June 16, 2017
Concurrent reply briefs due on PRPs.	July 10, 2017
Workshop on SRPs for all three applications.	July 11, 2017
Submission date for PRPs.	Upon filing of concurrent reply briefs on PRPs.
Proposed decision or decisions on PRPs.	September 2017
Filing of comments to the proposed decision, and reply comments.	As permitted by Rule 14.3.
Commission adoption of decision(s) addressing PRPs.	October 2017
Intervenor testimony to be served on fast charging infrastructure and rates.	July 25, 2017
Intervenor testimony to be served on medium/heavy duty and fleet charging infrastructure and commercial EV rates.	August 1, 2017
Intervenor testimony to be served on residential charging infrastructure and rates.	August 7, 2017
Concurrent rebuttal testimony to be served for the SRPs for all three applications.	September 5, 2017
Evidentiary hearings to be held on the SRPs for all three applications.	September 25 through October 13, 2017, as needed.
Concurrent opening briefs to be filed and served on the SRPs for all three applications.	To be decided (estimated November 13, 2017).
Any request for oral argument on the SRPs shall be set forth in the introductory section of the concurrent opening briefs.	To be included in the concurrent opening briefs for the SRPs.
Concurrent reply briefs to be filed and	To be decided (estimated December 1,

Event	Date
served on the SRPs for all three applications.	2017).
Submission date for SRPs.	Upon filing of concurrent reply briefs for SRPs.
Proposed decision(s) on the SRPs.	First Quarter of 2018.
Filing of comments to the proposed decision, and reply comments.	As permitted by Rule 14.3.
Commission adoption of decision(s) addressing SRPs.	On or about April 15, 2018.

It is the Commission's intent to complete these proceedings within 18 months of the date these proceedings were initiated. This deadline may be extended by order of the Commission as provided for in § 1701.5.

#### **2.4 Formation of Vehicle-Grid Integration Communications Protocol Working Group**

As discussed at the PHC, the Commission's Energy Division, in collaboration with the CEC and CARB, is forming a working group on communications protocols. The workproduct of this working group may be used to inform or shape future TE activities in R.13-11-007 and in these consolidated TE applications.

A workshop to launch this communications protocols working group will be held on Monday, April 24, 2017, from 9:00 am to noon, at the Commission's auditorium in San Francisco.

Parties interested in participating in this working group should contact Amy Mesrobian or Carolyn Sisto of the Energy Division.

### **3. Categorization**

In Resolution ALJ 176-3392, issued on February 9, 2017, the Commission preliminarily determined that these three applications should be categorized as ratesetting.

This scoping memo confirms the categorization for all three applications. Anyone who wishes to challenge this categorization must file an appeal of the categorization no later than ten days after the date of this scoping ruling .  
(See Rule 7.6.)

### **4. Need for Hearing**

In Resolution ALJ 176-3392, the Commission preliminarily determined that evidentiary hearings are required. As discussed above, evidentiary hearings are scheduled for the processing of the utilities' proposed SRPs.

No evidentiary hearings will be held on the PRPs. Instead, a workshop will be held, followed by concurrent opening and reply briefs.

### **5. Ex Parte Communications**

In a ratesetting proceeding such as this one, *ex parte* communications with the assigned Commissioner, other Commissioners, their advisors and the ALJs, are only permitted as provided for in §§ 1701.1 and 1701.3 (as amended by the Statutes of 2016, Chapter 807) and Article 8 of the Rules.<sup>16</sup>

### **6. Intervenor Compensation**

As provided for in §§ 1802 and 1804 , any “customer” who intends to seek intervenor compensation must file a notice of intent to claim intervenor

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<sup>16</sup> To the extent Article 8 of the Rules deviates from §§ 1701.1 and 1701.3, the statutory provisions govern.

compensation by the time provided for in Rule 17.1, and must meet the criteria for a “customer” as set forth in § 1802(b) and in Rule 17.1.4.<sup>17</sup>

As discussed at the PHC, and based on the various pleadings of the parties, it appears that some of the parties planning to seek intervenor compensation may raise similar types of issues. Those parties are reminded of §§ 1801.3(f) and 1804(b)(2), and Rule 17.4, which cautions that unproductive or unnecessary participation that duplicates the participation of similar interests may affect a customer’s ultimate claim for compensation.

## **7. Assigned Commissioner, Presiding Officer**

Carla J. Peterman is the assigned Commissioner, and Michelle Cooke, Sasha Goldberg (Pro Tem), and John S. Wong are the assigned ALJs. Pursuant to § 1701.3 and Rule 13.2, ALJs Cooke, Goldberg, and Wong are designated as the Presiding Officers.

## **8. Outreach Effort**

Section 1711(a), as added by SB 512 (Statutes of 2016, Chapter 808, § 7) states:

Where feasible and appropriate, except for adjudication cases, before determining the scope of the proceeding, the commission shall seek the participation of those who are likely to be affected, including those who are likely to benefit from, and those who are potentially subject to, a decision in that proceeding. The commission shall demonstrate its efforts to comply with this section in the text of the initial scoping memo of the proceeding.

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<sup>17</sup> 30 days from the PHC is Saturday, April 15, 2017. Pursuant to Rule 1.15, if the last day falls on a Saturday, Sunday, holiday or other day when the Commission offices are closed, the time limit is extended to include the first day thereafter.

In accordance with the Legislative direction to seek the participation of those who are likely to be affected, several steps have been taken.

Prior to the filing of these applications, the Commission has coordinated local, regional, and state TE efforts with the CARB, the CEC, and the state transit agencies (*e.g.* Caltrans) to ensure that the SB 350 goals can be met. The staffs of the CARB, CEC, and the Commission have also participated in various TE-related workshops hosted by each of the state agencies.

In addition to the agency outreach efforts, the utilities' applications were served on the service list for R.13-11-007, which encompasses a variety of entities who are interested in alternative-fueled vehicles. As noted earlier, the three utilities also notified cities and counties, throughout their service territories, as well as their customers, of the TE applications. In response to those notifications, a number of e-mails and letters have been received.

## **9. Filing, Service and Service List**

As stated at the PHC, a special service list for all three applications has been created and is now posted on the Commission's website. Parties should confirm that their information on the service list is correct, and to contact the Commission's Process Office if any corrections are needed. This service list will be updated by the Process Office as needed.

When filing or serving any document in these consolidated proceeding, each party must ensure that it is using the updated service list which appears on the Commission's website. In addition, as noted earlier, parties should submit their testimony online following the instructions in Appendix A of this ruling.

This proceeding will follow the electronic service protocols set forth in Rule 1.10. All parties to this proceeding shall serve documents and pleadings using electronic mail, whenever possible, transmitted no later than 5:00 p.m., on

the date scheduled for service to occur. Parties are reminded, when serving copies of documents, the document format must be consistent with the requirements set forth in Rules 1.5 and 1.6. Additionally, Rule 1.10 requires service on ALJs Goldberg and Wong of both an electronic and a paper copy of filed or served documents. A paper copy of documents should not be delivered to ALJ Cooke.

Persons who are not parties, but who wish to receive electronic service of documents filed in the proceeding, may contact the Process Office at [process\\_office@cpuc.ca.gov](mailto:process_office@cpuc.ca.gov) to request that they be added to the “Information Only” category of the service list.

## **10. Discovery**

Discovery may be conducted by the parties consistent with Article 10 of the Commission’s Rules, and should be underway. Deadlines for responses may be determined by the parties. Any motions to compel or limit discovery shall comply with Rule 11.3.

## **11. Public Advisor**

Any person interested in participating in this proceeding who is unfamiliar with the Commission’s procedures or who has questions about the electronic filing procedures is encouraged to obtain more information at <http://consumers.cpsc.ca.gov/pao> or contact the Commission’s Public Advisor at 866-849-8390 or 415-703-2074 or 866-836-7825 (TTY), or send an e-mail to [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov).

## **12. Settlement and Alternative Dispute Resolution**

While the schedule does not include specific dates for settlement conferences, it does not preclude parties from meeting at other times provided notice is given consistent with our Rules.

The Commission offers Alternative Dispute Resolution (ADR) services consisting of mediation, facilitation, or early neutral evaluation. Use of ADR services is voluntary, confidential, and at no cost to the parties. Trained ALJs serve as neutrals. The parties are encouraged to visit the Commission's ADR webpage at <http://www.cpuc.ca.gov/adr>, for more information.

If requested, the assigned ALJ will refer this proceeding, or a portion of it, to the Commission's ADR Coordinator. Alternatively, the parties may contact the ADR Coordinator directly at [adr\\_program@cpuc.ca.gov](mailto:adr_program@cpuc.ca.gov). The parties will be notified as soon as a neutral has been assigned; thereafter, the neutral will contact the parties to make pertinent scheduling and process arrangements. Alternatively, and at their own expense, the parties may agree to use outside ADR services.

**IT IS RULED that:**

1. Application (A.) 17-01-020, A.17-01-021 and A.17-01-022 are consolidated.
2. The scope of issues to be resolved in the priority review projects are listed in section 2.1.2 of this ruling, and the issues to be resolved in the standard review projects are listed in section 2.2.1 of this ruling.
3. The procedural schedule for the review and processing of the priority review projects shall follow the schedule set forth in sections 2.1.3. and 2.3 of this ruling.
  - a. A workshop on the priority review projects for all three applications shall be held on Wednesday, May 17, 2017 starting at 9:00 a.m., at the Commission's Auditorium, 505 Van Ness Avenue, San Francisco.
4. The procedural schedule for the review and processing of the standard review projects shall follow the schedule set forth in sections 2.2.2 and 2.3 of this ruling.



- a. A workshop on the standard review projects for all three applications shall be held on Tuesday, July 11, 2017 starting at 9:00 a.m., at the Commission's Auditorium, 505 Van Ness Avenue, San Francisco.
  - b. Evidentiary hearings on the standard review projects for all three applications shall be held beginning on Monday, September 25, 2017, starting at 10:00 a.m., and shall continue each weekday thereafter, as needed, until October 13, 2017. The evidentiary hearings will be held at the Commission's Hearing Room, 505 Van Ness Avenue, San Francisco.
  - c. A party may request oral argument before the Commission by including a written request in the introductory section of the party's opening brief.
5. A workshop to launch the formation of the vehicle-grid integration communications protocol working group shall be held on Monday, April 24, 2017, from 9:00 am to noon, at the Commission's auditorium, 505 Van Ness Avenue, San Francisco, California.
6. The prepared testimony for the standard review projects shall be electronically served on the service list, and submitted to the Commission as described in section 2.2.2 and Appendix A of this ruling, on the dates set forth in the procedural schedule.
7. The assigned Commissioner or Presiding Officers may adjust the procedural schedule as necessary for efficient management and fair resolution of this proceeding
8. The category of this proceeding is ratesetting, and any appeals as to this categorization must be filed and served within ten days from the date of this scoping memo as provided for in Rule 7.6 of the Commission's Rules of Practice and Procedure.

9. Administrative Law Judges Michelle Cooke, Sasha Goldberg (Pro Tem), and John S. Wong are designated as the Presiding Officers.

10. *Ex parte* communications in this proceeding are subject to Public Utilities Code §§ 1701.1 and 1701.3, and Article 8 of the Commission's Rules of Practice and Procedure.)

Dated April 13, 2017, at San Francisco, California.

/s/ CARLA J. PETERMAN

Carla J. Peterman  
Assigned Commissioner

/s/ MICHELLE COOKE

Michelle Cooke  
Administrative Law Judge

/s/ SASHA GOLDBERG

Sasha Goldberg  
Administrative Law Judge  
Pro Tem

/s/ JOHN S. WONG

John S. Wong  
Administrative Law Judge

## APPENDIX A

### 1. Electronic Submission and Format of Supporting Documents

The Commission's web site now allows electronic submittal of supporting documents (such as testimony, exhibits, and work papers).

Parties shall submit their testimony in this proceeding through the Commission's electronic filing system.<sup>18</sup> Parties must adhere to the following:

- The Instructions for Using the "Supporting Documents" Feature, (<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&DocID=158653546>) and
- The Naming Convention for Electronic Submission of Supporting Documents (<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&DocID=100902765>).
- The Supporting Document feature does not change or replace the Commission's Rules of Practice and Procedure. Parties must continue to adhere to all rules and guidelines in the Commission's Rules of Practice and Procedures including but not limited to rules for participating in a formal proceeding, filing and serving formal documents and rules for written and oral communications with

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<sup>18</sup> These instructions are for submitting supporting documents such as testimony and exhibits in formal proceedings through the Commission's electronic filing system. Parties must follow all other rules regarding serving testimony. Any document that needs to be formally filed such as motions, briefs, comments, etc., should be submitted using Tabs 1 through 4 in the electronic filing screen, not the Supporting Documents tab.

Commissioners and advisors (i.e. “ex parte communications”) or other matters related to a proceeding.

- The Supporting Document feature is intended to be solely for the purpose of parties submitting electronic public copies of testimony and exhibits (unless instructed otherwise by the Administrative Law Judge), and does not replace the requirement to serve documents to other parties in a proceeding.
- Unauthorized or improper use of the Supporting Document feature will result in the removal of the submitted document by the CPUC.
- Supporting Documents should not be construed as the formal files of the proceeding. The documents submitted through the Supporting Document feature are for information only and are not part of the formal file (i.e. “record”) unless accepted into the record by the Administrative Law Judge.

All documents submitted through the “Supporting Documents” Feature shall be in PDF/A format. The reasons for requiring PDF/A format are:

- Security - PDF/A prohibits the use of programming or links to external executable files. Therefore, it does not allow malicious codes in the document.
- Retention - The Commission is required by Resolution L-204, dated September 20, 1978, to retain documents in formal proceedings for 30 years. PDF/A is an independent standard and the Commission staff anticipates that programs will remain available in 30 years to read PDF/A.

- Accessibility – PDF/A requires text behind the PDF graphics so the files can be read by devices designed for those with limited sight. PDF/A is also searchable.

Until further notice, the “Supporting Documents” do not appear on the “Docket Card”. In order to find the supporting documents that are submitted electronically, go to:

- Online documents, choose: “E-filed Documents”,
- Select “Supporting Document” as the document type, ( do not choose testimony)
- Type in the proceeding number and hit search.

Please refer all technical questions regarding submitting supporting documents to:

- Kale Williams ([kale.williams@cpuc.ca.gov](mailto:kale.williams@cpuc.ca.gov)) 415 703- 3251 and
- Ryan Cayabyab ([ryan.cayabyab@cpuc.ca.gov](mailto:ryan.cayabyab@cpuc.ca.gov)) 415 703-5999

**(END OF APPENDIX A)**